PAULA T. DOW ATTORNEY GENERAL OF NEW JERSEY Division of Law 5th Floor 124 Halsey Street P.O. Box 45029 Newark, New Jersey 07101 Attorney for the Board of Medical Examiners Hearing Aid Dispensers Examining Committee

By: Debra W. Levine

Deputy Attorney General

Tel: (973)648-4876

FILED 7-27-10 HEARING AID DISPENSERS EXAMINING COMMITTEE Xlbrk Renee P. Clark **Executive Director**

FILED

AUGUST 26, 2010 NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY DIVISION OF CONSUMER AFFAIRS STATE BOARD OF MEDICAL EXAMINERS HEARING AID DISPENSERS EXAMINING COMMITTEE

IN THE MATTER OF THE LICENSE OF

Administrative Action

WILLIAM DEMARZO

License No. 25MG00099500

INTERIM CONSENT ORDER

TO PRACTICE AS A HEARING AID DISPENSER IN THE STATE OF NEW JERSEY

^^ . .

This matter was opened to the New Jersey State Board of Medical Examiners, Hearing Aid Dispensers Examining Committee (Committee) upon receipt of information revealing the following:

- William DeMarzo (respondent), License No. 25MG00099500, is a hearing aid dispenser licensed in the State of New Jersey and has been licensed at all times relevant hereto.
- On April 21, 2009, respondent was arrested by the Bergen County Prosecutor's Office for two (2) counts of Endangering the Welfare of a Child in violation of N.J.S.A. 2C:24-4B(5)(A) and N.J.S.A. 2C:24-4B(5)(B). (Police Case #

CERTIFIED TRUE COPY

BCP0900974),

- 3. On January 20, 2010, respondent was found guilty in Bergen County Superior Court of one (1) count of Endangering the Welfare of a Child by possession of child pornography, a 4th degree crime, in violation of N.J.S.A. 2C:24-4B(5)(B). (Superior Court of New Jersey, Bergen County, Law Division, Docket No. 1145-09; Indictment No. 10-01-0056-A).
- 4. On March 5, 2010, respondent was sentenced to two (2) days of incarceration and five (5) years of probation.

 (Indictment # 10-01-00056-A).
- 5. Respondent was evaluated by Philip H. Witt, Ph.D., a Diplomate in Forensic Psychology, ABPP, on December 22, 2009. Dr. Witt issued a psychological report in which he noted that respondent has no history of antisocial behavior and no prior contact with the criminal justice system. Dr. Witt opined that respondent has a low risk of recidivism and recommended that respondent receive psychotherapy.

The parties being desirous of an interim resolution, have agreed to the following terms, which the Committee, until it investigates the issues outlined herein, finds sufficiently protective of the public health, safety and welfare, and the Attorney General having consented hereto,

It is on this 27 day of July , 2010 ORDERED:

- 1. Respondent shall not provide hearing aid dispensing services to patients/clients under eighteen (18) years of age.
- 2. Respondent shall not provide hearing aid dispensing services or do home visits for patients/clients in a private residence setting.
 **Melvin Rand
- 3. Respondent shall continue in treatment with Dr. ** of a Committee approved mental health professional until such time as this professional reports to the Committee that treatment is no longer necessary.
- 4. Respondent agrees to notify the Committee, in writing, if he wishes to make any changes to his professional treatment program, including, but not limited to, any change in his therapist, and the Committee must consent to any such changes in advance.
- 5. The therapist shall provide quarterly reports to the Committee to discuss respondent's progress.
- 6. The therapist shall immediately (within 48 hours of occurrence) report to the Committee orally and in writing of any actions by respondent in violation of this Interim Order or failure to cooperate with the therapy requirement.
- 7. Respondent shall provide a release to the therapist allowing the therapist to provide pertinent reports, records and other information pertaining to respondent to the Committee.

 Respondent's signature on this Order signifies respondent's

waiver of any right to confidentiality with respect to these matters, and respondent's agreement that the Committee may utilize any such reports, records and other information it receives from the therapist in any proceeding regarding respondent's licensure.

- 8. Respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Committee's receipt of any information which the Committee in its sole discretion deems reliable that respondent has failed to comply with any of the conditions set forth above.
- 9. Respondent hereby acknowledges and agrees that entry of this Interim Order shall not in any way preclude any further action by the Committee including but not limited to respondent's appearance at an investigative inquiry before the Committee and a further Order of discipline against respondent based on the conviction outlined above.

HEARING AID DISPENSERS EXAMINING COMMITTEE

Jennifer Schaal, Aud, HAI

Executive Director

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter into this Order.

4

William DeMarzo Respondent

Date 06/25/10

Consented	to	as	to	form

James P

Fatyte, Esq. Tgr Respondent

5